



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The George Washington University
File: B-222313.4
Date: October 2, 1986

DIGEST

Protest that best and final offer was improperly excluded from consideration because it was received 2 minutes late is itself untimely since protester did not file protest within 10 days of learning of its basis for protest.

DECISION

The George Washington University (GWU) protests the award of a contract to any other offeror under request for proposals (RFP) 86-019, issued by the Department of Education (Education), for the operation of the National Clearinghouse for Bilingual Education.

We summarily dismiss this protest under 4 C.F.R. § 21.3(f) (1986) of our Bid Protest Regulations, which states that when the propriety of a dismissal becomes clear only after information is provided by the contracting agency, the General Accounting Office will dismiss the protest at that time.

Here, GWU protests the exclusion of its best and final offer from consideration because it was received 2 minutes late. Education has informed us that it notified GWU by telephone on August 27, 1986, that its best and final offer was received late and would not be considered. Education confirmed this telephone call in a subsequent letter to GWU. GWU filed its protest in this Office on September 17, or more than 10 days after the basis for its protest was known to it and accordingly, under our Bid Protest Regulations, the protest was not timely filed. 4 C.F.R. § 21.2(a)(2). We note that oral notification of the basis for protest is sufficient to start the 10-day period for filing a protest running and a protester may not delay filing its protest until receipt of written notification of the protest basis which merely reiterates the basis of protest originally orally learned. Auburn Timber, Inc.--Request for Reconsideration, B-221523.2, Feb. 20, 1986, 86-1 C.P.D. ¶ 182.

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The protest is dismissed.

for John F. Mitchell
Robert M. Strong
Deputy Associate General Counsel